IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 20943 OF 2005

Date: 28.09.2005

BETWEEN:

Mr. G. Kailashnath

.... PETITIONER

Vs.

1. The Commissioner, Municipal Corporation of Hyderabad, office at Tank Bund, Hyderabad, and others.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO. 20943 OF 2005

ORDER:

The petitioner is a tenant of Mulgi bearing Municipal No.21-7-256, Gulzar House, Hyderabad. He seeks a declaration that the action of the Municipal Corporation of Hyderabad (MCH) in demolishing the petitioner's Mulgi in accordance with Sections 456 to 460 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') is illegal and arbitrary.

According to the petitioner, the respondents 1 and 2 never served any notice on the petitioner as required under Section 459 of the Act and that the notice addressed to one G. Shankerlal, which has nothing to do with the Mulgi, was pasted on the Mulgi on 21.9.2005. The petitioner also placed before this Court an affidavit given by Mr. G. Shankerlal stating that he has not concerned with the Mulgi No.21-7-256. The petitioner also submits that he has already filed his objections to the respondents 1 and 2 and the same may be

considered.

After getting instructions in the matter, the learned Standing Counsel for MCH submits that on 21.9.2005 the Additional Commissioner (South Zone) along with Assistant Engineer, Deputy Engineer and the second respondent inspected the site and took a decision to demolish the Mulgi, which has already been fell down. Therefore, a notice was issued under Section 459 of the Act to the petitioner and one Prahlada Sarma. After receiving the notice, the petitioner submitted objections, which was referred to the Executive Engineer, Zone-II. The learned Standing counsel also submits that after receiving technical opinion necessary orders will be passed by the respondents 1 and 2.

Accordingly, the Writ Petition is disposed of at the admission stage directing the respondents 1 and 2 to consider the objections of the petitioner before taking any further action under Section 456 of the Act.

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(**V.V.S. RAO, J.)**

28th September, 2005

Note: C.C. by Monday

B/o

Js.